

REGULAR MEETING
BOROUGH COUNCIL
BOROUGH OF RUMSON
September 6, 2007

A regular meeting of the Borough Council of the Borough of Rumson was held in the Charles S. Callman Courtroom of the Memorial Borough Hall on September 6, 2007 and was called to order by Mayor John E. Ekdahl at 7:30 p.m.

Pledge of Allegiance.

Present: Mayor Ekdahl, Councilwoman DeVoe, Councilmen Hemphill, Kammerer and Rubin.

Absent: Councilmen Broderick and Shanley.

Thomas S. Rogers, Municipal Clerk/Administrator, was present.

Martin M. Barger, Borough Attorney, was present.

C. Bernard Blum, Jr., Borough Engineer, was not present.

The Mayor declared a quorum present and announced that the notice requirements of the Open Public Meetings Act had been met by the posting and mailing of a schedule of all regular and work meetings of the Borough Council for the year 2007 to the *Asbury Park Press* and the *Two River Times*.

On motion by Councilwoman DeVoe, seconded by Councilman Rubin, the minutes of the previous meeting were approved as written, copies having been forwarded to all Council members. All in favor.

COMMUNICATIONS:

LETTER FROM MELISSA E. GONZALEZ ADVISING OF HER RESIGNATION AS TAX COLLECTOR, ASSISTANT TO THE CHIEF FINANCIAL OFFICER, PAYROLL CLERK AND TAX SEARCH OFFICER:

The Municipal Clerk/Administrator read the following letter dated August 24, 2007 from Melissa E. Gonzalez advising of her resignation as the Borough Tax Collector, Assistant to the Chief Financial Officer, Payroll Clerk and Tax Search Officer effective August 31, 2007:

Dear Mayor and Council:

Please accept this letter as notice of my formal resignation of my full-time position of Tax Collector, Assistant to the Chief Financial Officer, Payroll Clerk and Tax Search Officer. This letter confirms the notice given to Tom Rogers via e-mail on August 20th.

My last day of work will be August 31, 2007. It has been a pleasure to serve Rumson Borough for the past nine and a half years.

Sincerely,

Melissa E. Gonzalez
Tax Collector

On motion by Councilwoman DeVoe, seconded by Councilman Kammerer, this communication was ordered received and the resignation of Mrs. Gonzalez was accepted with regret on the following roll call vote:

In the affirmative: DeVoe, Hemphill, Kammerer and Rubin.

In the negative: None.

Absent: Broderick and Shanley.

LETTER FROM THE RUMSON EDUCATION FOUNDATION REQUESTING PERMISSION TO USE BINGHAM HALL AGAIN THIS YEAR FOR THEIR “SIP AND SEE” ART SHOW ON TUESDAY, NOVEMBER 6, 2007 FROM 6:30P.M. UNTIL 9:00 P.M. TO ALLOW THE ARTWORK OF THE KINDERGARTEN TO FIFTH GRADE STUDENTS TO BE VIEWED PRIOR TO THE NOVEMBER 16TH FUNDRAISING AUCTION AT THE NAVESINK COUNTRY CLUB:

The Municipal Clerk/Administrator advised of a letter dated August 29, 2007 from Ellen Miles, President of the Rumson Education Foundation, requesting permission for the use of Bingham Hall on Tuesday, November 6th from 6:30 p.m. until 9:00 p.m. for their “Sip and See” art show as they had last year. The event is a wine, cheese and dessert reception to preview artwork created by kindergarten to fifth grade students that will be sold at their Celebration of Education fundraiser at the Navesink Country Club on November 16th to raise money for Deane-Porter and Forrestdale Schools.

In answer to questions by the members of the Council, the Municipal Clerk/Administrator advised that permission had been granted for the Foundation’s event last year and that a certificate of insurance would be required for this year’s event, as it had in the past.

On motion by Councilman Rubin, seconded by Councilman Hemphill, this communication was ordered received and permission was granted on the following roll call vote:

In the affirmative: Hemphill, Kammerer and Rubin.

In the negative: DeVoe.

Absent: Broderick and Shanley.

LETTER FROM THE RESIDENTS OF FORREST, LENNOX AND PARK AVENUES KNOWN AS THE “NEIGHBORHOOD OF FORREST AVENUE” REQUESTING THAT A PAINTED “SAFE WALKING ZONE” BE IMPLEMENTED ON THE WEST SIDE OF

FORREST AVENUE FROM EAST RIVER ROAD TO BLACKPOINT ROAD AS A TEMPORARY SOLUTION TO INSURE THE SAFETY OF PEDESTRIANS AND BICYCLISTS, ESPECIALLY STUDENTS TRAVELING TO AND FROM SCHOOL:

The Municipal Clerk/Administrator advised of a letter dated August 30, 2007 from the residents of Forrest, Lennox and Park Avenues who signed the letter "The neighborhood of Forrest Avenue" requesting that, for the safety of the students walking and bicycling to and from school, the Borough allows parking on the east side only and a "Safe Walking Zone" on the west side of Forrest Avenue from East River Road to Blackpoint Road with a painted lane at the curb for pedestrians and cyclists.

Councilman Kammerer asked if the letter had been copied to the Police Department.

The Municipal Clerk/Administrator advised that it had not as yet and Councilman Kammerer asked if the Council should wait for the input of the Police Department on this matter.

Councilwoman DeVoe stated that she felt that that would be appropriate and stated that she recognized the need for something to be done, as the Council had discussed the matter at length recently. She stated that the safety of the children was foremost in all our minds. However, she felt that painting a strip in the road would be training the children to walk in the road and that she questioned that wisdom. She felt that the children should be instructed to walk in the Borough right-of-way inside the curb, not in the street, on a temporary basis until such time as a grant is received to fund the sidewalk project.

Mayor Ekdahl questioned if such a lane painted in the street was legal and asked for the Borough Attorney's opinion.

The Borough Attorney stated that if the Police Department approved such a thing then it could be done; but he agreed that there was a safety factor in providing this painted area.

The Municipal Clerk/Administrator advised that not all residents were in favor of sidewalks on Forrest Avenue and in the Forrestdale School area.

Councilman Kammerer stated that he had not been aware that there had been an interest in sidewalks for Forrest Avenue in the past.

Councilwoman DeVoe stated that there has been interest for a number of years by certain residents, but it had not been determined if the request was for the entire length of Forrest Avenue or just in the School area.

Councilman Kammerer stated that he thought that there had been an objection by the residents to sidewalks on Forrest Avenue.

Councilwoman DeVoe stated that she at one time had objected to the sidewalks on Forrest Avenue but that she can foresee this happening on Forrest Avenue, as there have been sidewalks placed on both Park and Lennox Avenues that run parallel to Forest. She added that the sidewalks should be run up to Narumson Street. Councilwoman DeVoe reiterated that she felt it was a mistake to teach children to walk in the road by painting an area in the road along the curb.

The Borough Attorney stated that he felt that the Police Traffic Officer should look at this suggestion before any action was taken.

Councilman Hemphill stated that in order to make such a lane, the street would have to be made one side of the street parking by Ordinance.

Councilwoman DeVoe, who resides in that area on Forrest Avenue, said that yesterday and today she observed the vehicle traffic and pedestrians on the first two days of school. She said that between 8:15 a.m. and 8:40 a.m. approximately twenty-five cars had traveled down the street each day (some entering at East River Road and some from Lakeside Avenue and about five came from driveways on Forrest Avenue).

Mayor Ekdahl stated that the matter would be turned over to the Police Department and get their input and recommendations as to a possible solution.

Lisa McCracken of 49 Forrest Avenue stated that approximately two years ago she had submitted a petition signed by residents of Forrest and Lennox Avenues to the Borough Council requesting a crossing guard at the corner of Narumson Street and Forrest Avenue and also sidewalks. She stated that she had received a phone call after she had presented the petition advising that the request for the crossing guard had been approved and that they would be working on getting someone at the corner of Narumson Street and Forrest Avenue. She stated that she has been frustrated with the lack of action and with no callbacks in response to her numerous calls to the Police Department and Borough Hall over the last two years to follow up on the approval of the crossing guard for the corner. She stated the number of children in the area has increased and that the problem has only worsened.

Suzanne Lizotte of 46 Forrest Avenue stated that she had six-year-old triplets and was concerned with the speeding cars and the fact that there was no safe place for children to walk to school or people to push a stroller or walk their dog. She stated that walking in the right-of-way would damage the children's shoes that needed to last for months—walking in the grass, snow, muddy rain puddles and dog droppings. She stated that several residents have requested that people not be allowed to walk on their property at all. Mrs. Lizotte stated that designating a lane for pedestrians as a temporary solution until sidewalks were put in place would not teach children to walk in the street, but it would teach drivers to stay away from that designated lane.

Councilman Kammerer stated that the only way to designate the lane was to make Forrest Avenue no parking on one side of the street.

Mrs. Lizotte stated that if that was what was necessary to insure the safety of the children, then that was what should be done. She added that the High School was not in session this week and that there would be more traffic next week with the students driving to school next week, as well as the added buses. She stated that, as one of the most affluent towns in the State, we should be able to provide sidewalks on one of the main arteries to the three public schools.

Mayor Ekdahl stated that sidewalks for the area had never been approved. He asked Mrs. Lizotte how many Forrest Avenue residents were opposed to sidewalks.

Mrs. Lizotte stated that she knew of two parties that were opposed and had stated that children have been walking to and from school without sidewalk for years. She stated that the

circumstances were different now with far more congestion in the area and that it was a matter of common sense that a main thoroughfare should have a sidewalk.

Councilman Kammerer asked how Mrs. Lizotte would feel if sidewalks were put on just her side of the street.

Mrs. Lizotte said that would be fine and that Lennox and Park Avenues had less traffic but were given sidewalks a few years ago.

Councilman Kammerer asked if the residents wouldn't care which side of the street was used for the sidewalks depending on the decision of the Police Department and Traffic Control—he suggested that putting them on the same side of the street as the schools would make the most sense.

Mrs. Lizotte stated that the matter of safety was of the utmost importance and that she didn't understand why Forrest Avenue did not get sidewalks before Lennox and Park Avenues.

Councilman Kammerer stated that the residents have historically wanted the Borough to retain a rural appearance and the more curbs, sidewalks, sewer drains, telephone poles, etc. that were put in, the more urbanized the Borough would become. He added that things, people and needs are changing in the Borough and that this was the first time that he has heard a majority in favor of sidewalks on Forrest Avenue.

Councilman Hemphill asked if Mrs. Lizotte thought that there would be enough room for parking, the pedestrian lane and two-way traffic on Forrest Avenue.

Mrs. Lizotte said that the children were walking in the street regardless.

Lorraine Oakes of 36 Forrest Avenue stated that something had to be done now; she lives three houses from the school and her son cannot ride his bicycle to school.

Councilman Kammerer stated that he felt that the short-term solution would be to allow parking only one side of the street.

Councilwoman DeVoe advised Mrs. Oakes that if she was thinking that her son would be riding his bicycle on the sidewalk, that the Borough's Ordinances did not allow bicycle riding on sidewalks.

Mark Warnsman of 47 Forrest Avenue stated that he was a new resident to the area and was in support of putting in sidewalks on Forrest Avenue. He stated that he was concerned with the idea of putting in the white-lined area as a temporary solution because he felt it would be a semi-permanent measure that might slow down the process of putting in sidewalks. He stated that maintaining the rural feel of the town was not being accomplished with the size and closeness of the houses being built, including his own, in certain areas of the Borough. He added that the number of High School students driving to school has increased over the years adding to the traffic problem. Mr. Warnsman stated that he hoped that the sentiment of the residents would be taken into consideration and that a solution would be found soon.

Councilwoman DeVoe stated that the Police Department would be given a copy of this letter and that their input would be the determining factor.

Mayor Ekdahl stated that no parking on one side of the street was easily solvable if that was what the Police Department determines is the proper solution, as has been done on several streets recently. He added that budgeting for sidewalks couldn't happen this year because the budget had been fixed months ago.

One resident stated that she thought that a grant had been received for sidewalks.

Mayor Ekdahl stated that the grant that was applied for but not received was for the immediate area surrounding school but did not extend into the neighborhood.

The Municipal Clerk/Administrator advised that the Department of Transportation was making funds available specifically for school zones for the first time this year and that the Borough recently passed a resolution for the grant application; the Borough would not be advised of the approval of the application until February of 2008. He stated that those funds could not be used outside of what the DOT considered the "School Zone," which is the immediate sidewalks around and abutting the school property.

Mayor Ekdahl stated that the residents in attendance at this meeting had made some good points on the issue, but that he knew that there were quite a few residents in the area who were not in attendance that were just as opposed to sidewalks on Forrest Avenue because it was taking their property, so to speak. He stated that it was not that easy of a decision to make because, for everyone in favor of sidewalks, there was a resident who was opposed who may not have school-aged children.

A resident stated that the sidewalks were not just for the children but also for seniors and people walking their dogs or pushing strollers. She added that people should keep in mind that the property where the sidewalks would be was part of the Borough's right-of-way.

A resident asked if the Mayor knew who the ones were that were opposed.

Mayor Ekdahl stated that he was suggesting that when we have had issues like this in the past, that had been the case.

The resident suggested that the Borough find out what the sentiment of the residents truly was to have data behind any decisions made and he added that the Borough wouldn't be taking property away from the residents.

Mayor Ekdahl stated that it would be taking green space away from the properties and that not all homeowners were in favor of sidewalks.

The resident stated that the homeowners at some point would be interested in selling their homes and that potential buyers would be interested in homes with sidewalks in an area so near the schools.

Councilman Kammerer stated that taking away parking spaces in the school area creates parking problems for school visitors. He said that the needs of the whole community must be taken into consideration.

Kathleen Levens of 43 Forrest Avenue stated that the statement that the children have always walked to school using the streets does not apply anymore because of the increase in traffic and vehicles. She said that the Borough should do a survey of the residents on Forrest Avenue to see who is for or against sidewalks. Mrs. Levens made the following comments: if the Borough had asked the residents of Lennox and Park Avenues if they were in favor of sidewalks prior to them being put in or if the Borough put them in anyway in spite of opposition; what the criteria was for putting in the sidewalks on those two streets; and that the residents know of walkers, dog walkers, people going to the local markets and children that ride their bikes in the area that do not live on Forrest Avenue. She stated that the street is used by a great many people in the community and that the children's safety is most important. Mrs. Levens added they would be glad to hand out a survey to all the Forrest Avenue residents to find out who is in favor or opposed to the sidewalks. She asked the Mayor if he could provide information on the process that led to decision to put sidewalks on Lennox and Park Avenues.

Mayor Ekdahl stated that he had the most tenure and that he did not know the answer to her question.

One of the Council members asked how many names were on the petition that was done two years ago.

Mrs. McCracken stated that there had been a lot of names but she didn't know the exact number and that they were residents of Forrest and Lennox Avenues. She stated that the Police Department had been wonderful at that time. Mrs. McCracken stated that she has lived in town since she was five years old and that she loved Rumson and that the Mayor and Council run a great town. She added that Forrest Avenue was a thoroughfare with an insane number of children walking and driving to and from school. She said that there was a tremendous need for a crossing guard at the Forrest Avenue/Narumson Street corner and that this should be taken care of right away.

Mayor Ekdahl stated that we would look into that but advised that the Police Department has had staffing issues during both the last and current school years.

Councilman Kammerer suggested that those in attendance tell anyone they know that might be interested in a crossing guard position to call Police Headquarters.

The Municipal Clerk/Administrator advised that we were short two crossing guards and that the position pays \$30 per day and that it was very difficult to get people to apply. He stated that there were presently locations that were either not staffed or that Police Officers were covering the location. The Municipal Clerk/Administrator stated that the rate of pay was increased for this school year to try to get more people interested. He added that we had surveyed nearby towns and found that our rate was very competitive, but that we could not get people to apply.

In response to a resident's comment on the speeding and that more ticketing should be done to remind people to slow down, Mayor Ekdahl stated that police presence had been increased.

Councilman Kammerer stated that the Council would consider the Forrest Avenue issues and solicit the advise of the Police Department, but that the Borough would have to figure out a way to make it happen and that it comes down to finding the money for it. He added that, in the meantime, a quick solution could be for parking on one side of the street to provide a safer place for walkers in the short-term.

One resident suggested that the residents could also park in their driveways instead of on the street.

Mayor Ekdahl stated that there were several things that could be done this year to ease the situation but that sidewalks were not among them, simply because money had not been budgeted for that purpose. He said that we could do a survey of the neighborhood to find out if the majority of the residents were in favor of sidewalks before money was budgeted for next year.

It was stated that the street was used by members of the community for walking and strollers all year long, not just during the school year.

Councilwoman DeVoe stated that she was aware of the safety issues raised at the meeting. However, the present residents in the area were aware of the fact that there were no sidewalks when they bought their houses. She stated that she didn't understand why it was suddenly an issue and not a concern when they bought on a busy street with no sidewalks.

Many of the residents said that they did not have children at the time that they purchased their homes and were not aware of the problem until their children were out in the neighborhood and in danger of being hit by a car.

Councilwoman DeVoe stated that she had raised her children here and that they walked to school but that she was aware that there was now more congestion in the area.

Mr. Warnsman stated that he and his wife had been aware of the compromise that they had made when purchasing their home on a street without sidewalks. He asked when the budget process would begin for next year.

Mayor Ekdahl advised that it begins right after the beginning of the year and would be finalized in June or July.

Councilman Rubin stated that he sees that there are three things that can be done in the short-term: Police speed enforcement, which has begun, add one crossing guard at the corner of Narumson Street and changing the Ordinance to make Forrest Avenue one side of the street parking. The long-term issues would be to do a study to determine if the residents want sidewalks and if the Police Department deems them necessary and the best side to locate them. It would also have to be decided if the change to no parking on one side of Forrest Avenue would be 24-hour or just during school hours.

Mayor Ekdahl stated that the information would be gathered soon and that the Council would decide by what means the information would be obtained. If sidewalks were found to be necessary it would be included in the budget discussions for 2008 and be at the expense of other needed projects.

One resident stated that the safety issue for the sidewalks should give the project a higher priority for the budget decisions.

Mayor Ekdahl stated that the amount of vehicles of the students driving to school had increased in recent years because of a change in the State law that does not permit a high school

student to drive another student to school (unless it is a sibling), and the amount of traffic in the Borough had also increased.

The resident stated that Park and Lennox Avenues have far less traffic than Forrest Avenue and that they were given sidewalks; a study shouldn't be necessary when the need was so apparent.

Mayor Ekdahl stated that it was fair to say that the Council should know before they make a decision that affects all the residents on the street whether all concerned were for the sidewalks. He added that if there were seventeen properties involved and only the five represented at this meeting were for the sidewalks then that would be a whole new story.

Mrs. Lizotte stated that a good number of people in favor of sidewalks that had wanted to come to the meeting were unable to attend.

Mayor Ekdahl stated that he would not let the implication of the residents present at this meeting stand that the Council was not for the safety of the children.

Councilwoman DeVoe stated that she had made the statement at the beginning of this discussion that the safety of the children was of utmost importance to all on the Council.

Mr. Warnsman stated that, since all the issues had been heard this evening, perhaps the residents should follow up with the Council at the next meeting.

Mayor Ekdahl stated coming to the next meeting would not gain the residents anything because this process was going to take some time.

Mr. Warnsman stated that he felt it was important to the residents to understand what the process was and to track the progress against the plan. He stated that he would not like the process to stall or not have the necessary information obtained. Mr. Warnsman added that he wanted to make sure that the long-term plan was followed and that he and the other residents appreciated the Council's implementing the short-term solutions.

Mayor Ekdahl stated that the background information would be gathered in the immediate future for consideration at budget time.

The Municipal Clerk/Administrator advised that the no parking issue would be a six-week process to enact an Ordinance with its introduction at a Council meeting, advertisement of the public hearing at a second meeting and then advertisement of its approval with a comment period. He stated that he didn't want the residents to think that it would go into effect immediately upon its introduction.

A resident asked how quickly a crossing guard would be put at the corner of Narumson Street and Forrest Avenue.

The Municipal Clerk/Administrator advised that the Borough hasn't been able to fill the need for the present locations because they can't get any applicants, let alone for a new location. He stated that the pay rate for the crossing guards was being increased to try to entice more applicants. He added that if anyone in attendance knew of someone that might be interested they should tell that person to go to Police Headquarters to apply. The Municipal Clerk/Administrator advised that the

Police Chief might allow two individuals to share a corner, one manning the location in the morning and the other in the afternoon.

In answer to a resident's question, the Municipal Clerk/Administrator advised that we have been manning the locations without crossing guards with on-duty Police Officers unless they were on an emergency call.

The resident asked why the school custodians don't do it.

The Municipal Clerk/Administrator advised that this issue would have to be taken up by the School Administration.

Councilman Rubin stated that if a crossing guard is out sick the Police have to cover that location and that leaves the Police Department left spread very thin.

Mayor Ekdahl stated that the Police were supposed to be patrolling the School District and if they had to man a crossing guard location then they were not covering their assigned duties.

In answer to a question by a resident, Mayor Ekdahl stated that lines were painted in the crossing area at some of the locations, but he couldn't say if all locations were marked. He added that the questions being asked should really be answered by the Police Chief.

The Municipal Clerk/Administrator stated that a resident could not just fill in for a location as someone had just suggested because all the crossing guards had to attend a training class to watch a video to learn how to stop and control traffic and that they were appointed by the Council by Resolution.

Mrs. McCracken stated that she was confused because two years ago she had been told that the crossing guard for the Narumson Street/Forrest Avenue location had been approved but it was never done.

Mayor Ekdahl stated that, as noted earlier, we can't staff the existing locations let alone provide for additional locations. He said that anyone that they know of that might be interested should call Police Headquarters.

Councilman Rubin asked that the residents allow the Council to work on the needs for Forrest Avenue and advised that the Council would make a good faith effort to do all they could.

The residents thanked the Mayor and Council for their time.

Mayor Ekdahl thanked them for their comments.

On motion by Councilman Kammerer, seconded by Councilwoman DeVoe, this communication was ordered received and that the matter be looked into by the Police Department and revisited by the Borough Council at a later date. All in favor.

LETTER FROM COLETTE P. FORSTER OF 44 ALLEN STREET REQUESTING THAT THE INTERSECTION AT CHURCH AND ALLEN STREETS BE CHANGED FROM A 2-WAY STOP ON ALLEN STREET AT THE INTERSECTION TO A 4-WAY STOP ON

ALLEN AND CHURCH STREETS FOR THE SAFETY OF CHILDREN CROSSING THE STREET AT THIS BUSY LOCATION NEAR ROGERS PARK:

The Municipal Clerk/Administrator advised of a letter dated September 4, 2007 from Colette P. Forster of 44 Allen Street requesting that the intersection of Church and Allen Streets be changed from a 2-way stop on Allen Street to a 4-way stop for the safety of the children.

On motion by Councilman Kammerer, seconded by Councilman Rubin, this communication was ordered received and the matter will be turned over to the Police Department for their advice before action would be taken. All in favor.

LETTER FROM MARIE MCDAID OF 19 HEATHCLIFF ROAD REQUESTING PERMISSION TO HOLD A BLOCK PARTY AT THE END OF HEATHCLIFF ROAD ON SATURDAY, OCTOBER 6TH:

The Municipal Clerk/Administrator advised of a letter dated September 5, 2007 from Marie McDaid of 19 Heathcliff Road requesting permission to hold their annual block party at the end of Heathcliff Road on Saturday, October 6th (rain date Sunday, October 7th).

On motion by Councilman Rubin, seconded by Councilman Hemphill, this communication was ordered received. All in favor.

CONSENT AGENDA:

LETTER FROM CLARK AND EVELYN A. WOODWORTH ENCLOSING A COPY OF AN APPLICATION TO THE STATE D.E.P. FOR A CAFRA GENERAL PERMIT 14 FOR THE REPLACEMENT OF THE BULKHEAD RAISING THE HEIGHT 1-2 FEET AND FILL FOR PROPERTY LOCATED AT 13 WARDELL AVENUE:

The Municipal Clerk/Administrator advised of a letter from Clark and Evelyn A. Woodworth enclosing a copy of their application to New Jersey Department of Environmental Protection for a CAFRA General Permit 14 for the replacement of the bulkhead raising the height 1-2 feet and fill for property located at 13 Wardell Avenue.

LETTER FROM BARLEY POINT, INC. PRESIDENT MAUREEN C. O'NEILL ADVISING OF THE ASSOCIATION'S WATERFRONT DEVELOPMENT PERMIT FOR PROPERTY LOCATED AT 142 BLACKPOINT ROAD FOR THE RECONSTRUCTION OF 142' OF BRIDGE ABUTMENT REPLACING WOODEN BULKHEAD:

The Municipal Clerk/Administrator advised of a letter from Maureen C. O'Neill, President of Barley Point, Inc., enclosing a copy of the Association's application to New Jersey Department of Environmental Protection for a Waterfront Development Permit for the reconstruction of 142 feet of bridge abutment replacing the wooden bulkhead for property located at 142 Blackpoint Road.

LETTER FROM THE STATE D.E.P. ADVISING OF THE APPROVAL OF THE WATERFRONT DEVELOPMENT PERMIT AND WATER QUALITY CERTIFICATE FOR ANAFU M. AND PETER KAISER FOR PROPERTY LOCATED AT 10 EDWARDS POINT ROAD FOR THE LEGALIZATION OF AN EXISTING RAMP AND FIXED PIER LEADING TO A FLOATING PIER:

The Municipal Clerk/Administrator advised of a letter from New Jersey Department of Environmental Protection advising of the approval of the Waterfront Development Permit and Water Quality Certificate for Anafu M. and Peter Kaiser for the legalization of an existing ramp and fixed pier leading to a floating pier for property located at 10 Edwards Point Road.

LETTER FROM THE STATE D.E.P. ADVISING OF THE APPROVAL OF THE WATERFRONT DEVELOPMENT, WATER QUALITY CERTIFICATE AND COASTAL WETLANDS PERMIT FOR ETHEL KAPLAN FOR PROPERTY LOCATED AT 6 EDWARDS POINT ROAD FOR THE LEGALIZATION OF AN EXISTING FIXED PIER, RECONSTRUCTION OF A RAMP AND FLOATING PIER:

The Municipal Clerk/Administrator advised of a letter from New Jersey Department of Environmental Protection advising of the approval of the Waterfront Development Permit, Water Quality Certificate and Coastal Wetlands Permit for Ether Kaplan for the legalization of an existing fixed pier, reconstruction of a ramp and floating pier for property located at 6 Edwards Point Road.

LETTER FROM THE STATE D.E.P. ADVISING OF THE APPROVAL OF THE WATERFRONT DEVELOPMENT, WATER QUALITY CERTIFICATE AND COASTAL WETLANDS PERMIT FOR ANN DORAN FOR PROPERTY LOCATED AT 11 EDWARDS POINT ROAD FOR THE LEGALIZATION OF AN EXISTING FIXED PIER AND RECONSTRUCTION OF A RAMP AND FLOATING PIER:

The Municipal Clerk/Administrator advised of a letter from New Jersey Department of Environmental Protection advising of the approval of the Waterfront Development Permit, Water Quality Certificate and Coastal Wetlands Permit for Ann Doran for the legalization of an existing fixed pier and reconstruction of a ramp and floating pier for property located at 11 Edwards Point Road.

On motion by Councilman Rubin, seconded by Councilman Hemphill, the above five communications on the Consent Agenda were ordered received. All in favor.

COMMITTEE REPORTS:

Councilwoman DeVoe advised of the resignation of David R. Allan as a member of the Shade Tree Committee effective as soon as a replacement has been found.

UNFINISHED BUSINESS:

None.

NEW BUSINESS:

ORDINANCE TO AMEND THE TRAFFIC PARKING ORDINANCE IN FIRST READING. PUBLIC MEETING SCHEDULED FOR THURSDAY, SEPTEMBER 20, 2007:

The Municipal Clerk/Administrator read the following ordinance by title only in first reading:

07-014 G

AN ORDINANCE TO AMEND THE CODE
OF THE BOROUGH OF RUMSON BY
AMENDING CHAPTER VII, TRAFFIC

BE IT ORDAINED by the Mayor and Council of the Borough of Rumson, in the County of Monmouth and State of New Jersey, as follows:

Chapter VII, General Ordinances, of the code of the Borough of Rumson is hereby amended or supplemented as follows (new text is double underlined and text to be deleted is ~~struck through~~):

SECTION 1. That Chapter VII, Traffic, be amended as follows:

7-3.4A Commercial Truck, Tractor and or Trailer Parking Prohibited during Certain Hours on Certain Streets.

No person shall park a commercial truck, tractor or trailer between the hours specified in Schedule IIA of any day upon any of the streets or parts of streets described in Schedule IIA attached to and made a part of this chapter. ~~This paragraph shall not apply to panel trucks, pick-up trucks and small open trucks having a gross vehicle weight of less than four tons.~~

SECTION 2. That Chapter VII, Traffic, Schedule IIA, of Subsection 7-3.4A be amended to read as follows:

SCHEDULE IIA

COMMERCIAL TRUCK, TRACTOR ~~AND OR~~ TRAILER PARKING
PROHIBITED DURING CERTAIN HOURS ON CERTAIN STREETS

In accordance with the provisions of Subsection 7-3.4A, no person shall park a commercial truck, tractor or trailer between the hours specified upon any of the following streets or parts of streets.

<u>Name of Street</u>	<u>Side</u>	<u>Hours</u>	<u>Months</u>
All Streets	Both	From 3:00 a.m. To 5:00 a.m.	Entire year.

SECTION 3. This ordinance shall take effect upon its passage and publication according to law.

Councilman Kammerer moved the adoption of this ordinance in first reading. Motion seconded by Councilman Rubin and carried on the following roll call vote:

In the affirmative: DeVoe, Hemphill, Kammerer and Rubin.

In the negative: None.

Absent: Broderick and Shanley.

Mayor Ekdahl stated that this ordinance would be published and posted and come up for final consideration and public hearing at the Thursday, September 20, 2007 meeting of the Borough Council at 7:30 p.m.

RESOLUTION TO APPOINT SCHOOL CROSSING GUARDS FOR THE 2007-2008 SCHOOL YEAR:

Councilwoman DeVoe offered the following resolution and moved its adoption:

RESOLUTION

BE IT RESOLVED that the following citizens be appointed as Regular School Crossing Guards and Substitute School Crossing Guards for 2007:

REGULAR CROSSING GUARDS

Elizabeth Anderson
Rosemarie Harrington-May
Dawn Massabni
Brian Nooney
Robyn Iarussi
Lorraine Gallagher
Rosemary Gaynor
Stephen Wycoff
Ann Marie Littlefield
William Walton
Patricia Mieth

SUBSTITUTES

Joseph Sorrentino
John Anderson

Resolution seconded by Councilman Rubin and carried on the following roll call vote:

In the affirmative: DeVoe, Hemphill, Kammerer and Rubin.

In the negative: None.

Absent: Broderick and Shanley.

RESOLUTION TO DESIGNATE BOROUGH OFFICIALS AUTHORIZED TO SIGN BOROUGH CHECKS, WARRANTS, NOTES AND OTHER FINANCIAL PAPERS FOR THE BOROUGH:

Councilwoman DeVoe offered the following resolution and moved its adoption:

RESOLUTION

BE IT RESOLVED by the Mayor and Council of the Borough of Rumson that until otherwise changed all checks, warrants, notes and other financial papers, except those for the payment of wages, salaries and other compensation to officers and employees of the Borough, be signed by the Mayor, John E. Ekdahl, or in his absence or disability by the President of the Council, Robert Kammerer, or in the absence or disability of both by Shaun Broderick, countersigned by Helen L. Graves, Chief Financial Officer or in her absence Jessica A. Wardell, Finance and Tax Assistant, and countersigned by the Municipal Clerk, Thomas S. Rogers, or in his absence, Jane F. Hartman, Deputy Municipal Clerk.

BE IT FURTHER RESOLVED that certified copies of this resolution be forthwith transmitted by the Municipal Clerk to the banking institutions with whom the Borough does its business.

Resolution seconded by Councilman Kammerer and carried on the following roll call vote:

In the affirmative: DeVoe, Hemphill, Kammerer, Rubin.

In the negative: None.

Absent: Broderick and Shanley.

**RESOLUTION TO APPROVE THE PERSON-TO-PERSON PLENARY RETAIL
DISTRIBUTION LIQUOR LICENSE FOR THE YEAR 2007-2008 FOR BRENNAN'S
DELICATESSEN:**

Councilwoman DeVoe offered the following resolution and moved its adoption:

**ALCOHOLIC BEVERAGE CONTROL RESOLUTION
PERSON-TO-PERSON TRANSFER**

WHEREAS, an application has been filed for a Person-to-Person Transfer of Plenary Retail Consumption License Number 1342-44-001-004, heretofore issued to John L. Yurish (trading as Brennan's Delicatessen, LLC) for premises located at 42-44 West River Road, Rumson, New Jersey; and

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term; and

WHEREAS, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33; and

WHEREAS, the applicant has disclosed and the issuing authority reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the licensed business;

NOW, THEREFORE, BE RESOLVED that the Borough Council of the Borough of Rumson does hereby approve, effective September 6, 2007, the transfer of the aforesaid Plenary Retail Consumption License to Brennan's Delicatessen at Rumson, LLC (trading as

Brennan's Delicatessen, LLC), and does hereby direct the Municipal Clerk to endorse the license certificate to the new ownership as follows: "This license, subject to all its terms and conditions, is hereby transferred to Brennan's Delicatessen at Rumson, LLC (trading as Brennan's Delicatessen, LLC), effective September 6, 2007."

Resolution seconded by Councilman Rubin and carried on the following roll call vote:

In the affirmative: DeVoe, Hemphill, Kammerer and Rubin.

In the negative: None.

Absent: Broderick and Shanley.

RESOLUTION TO AUTHORIZE THE REFUND OF THE FEE FOR AN UNUSED ROOFING PERMIT TO MADELYNE RYTERBAND FOR THE RESIDENCE AT 3 MONMOUTH AVENUE:

Councilman Kammerer offered the following resolution and moved its adoption:

**RESOLUTION REFUNDING PERMIT FEES
FOR PERMIT # 018307
TO MADELYNE RYTERBAND**

WHEREAS, Select Roofing, paid for Construction Permit #018307 which was issued in April 2007; and

WHEREAS, the property owner Madelyne Ryterband has abandoned this project and requested a refund of the permit fees; and

WHEREAS, Paul E. Reinhold, Jr., Rumson Borough Construction Official, has calculated the refund to be \$336.00;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Rumson that \$336.00 be refunded to Madelyne Ryterband for Construction Permit #018307; and

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to the Chief Financial Officer and the Borough Auditor.

Resolution seconded by Councilman Rubin and carried on the following roll call vote:

In the affirmative: DeVoe, Hemphill, Kammerer, Rubin.

In the negative: None.

Absent: Broderick and Shanley.

RESOLUTION TO AUTHORIZE THE REFUND OF THE \$1,000 DEPOSIT FOR STREET OPENING 077/2007 FOR 59 RIDGE ROAD (ON BLOSSOM ROAD):

Councilman Rubin offered the following resolution and moved its adoption:

RESOLUTION

WHEREAS, GRH Group LLC, 78 Westervelt Avenue, Tenaflly, NJ 07670 paid the required \$1,000.00 deposit plus the \$100.00 application fee for Street Opening Permit Number 077/2007 for work at 59 Ridge Road; and

WHEREAS, Mark Wellner, Rumson Borough Superintendent of Public Works, has inspected the project and found it to be satisfactory and therefore recommends the release of the \$1,000.00 bond;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Rumson that GRH Group LLC, 78 Westervelt Avenue, Tenaflly, NJ 07670 be issued a refund of the \$1,000.00 bond; and

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to the Borough Chief Financial Officer.

Resolution seconded by Councilman Kammerer and carried on the following roll call vote:

In the affirmative: DeVoe, Hemphill, Kammerer, Rubin.

In the negative: None.

Absent: Broderick and Shanley.

RESOLUTION TO AUTHORIZE THE REFUND OF REDEMPTION MONIES TO US BANK CUST/SASS MUNI V DTR FOR A LIEN SOLD IN TAX SALE ON DECEMBER 1, 2006 FOR BLOCK 105, LOT 19:

Councilman Rubin offered the following resolution and moved its adoption:

RESOLUTION AUTHORIZING REFUND OF REDEMPTION MONIES
TO US BANK CUST/SASS MUNI V DTR

WHEREAS, at the Municipal Tax Sale held on December 1, 2006, a lien was sold on Block 105, Lot 19, also known as 16 Riverside Drive in Rumson, for 2005 delinquent taxes; and

WHEREAS, this lien, known as Tax Sale Certificate #060004, was sold to US Bank Cust/Sass Muni V Dtr, for a 0% redemption fee and a \$70,000.00 premium; and

WHEREAS, Jeffrey Rosen, attorney for Dr. & Mrs. Brian Bosonoc, purchasers, has effected redemption of Certificate #060004 in the amount of \$53,847.54.

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Rumson hereby authorize the Chief Financial Officer to issue a check in the amount of \$53,847.54 payable

US Bank Cust/Sass Muni V Dtr, 2 Liberty Place, 50 South Street, Suite 1950, Philadelphia, PA 19102 for the redemption of Tax Sale Certificate #060004; and

BE IT FURTHER RESOLVED that the Chief Financial Officer be authorized to issue a check in the amount of \$70,000.00 (Premium) to the aforementioned lien holder; and

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to the Tax Collector and the Chief Financial Officer.

Resolution seconded by Councilman Kammerer and carried on the following roll call vote:

In the affirmative: DeVoe, Hemphill, Kammerer and Rubin.

In the negative: None.

Absent: Broderick and Shanley.

RAFFLE APPLICATION FOR THE NEWCOMERS' CLUB OF RUMSON, FAIR HAVEN, LITTLE SILVER AND SHREWSBURY:

The Municipal Clerk/Administrator stated that he had received an application for a raffle from the Newcomers' Club of Rumson, Fair Haven, Little Silver and Shrewsbury, PO Box 6413, Fair Haven. Said raffle to be held at 180 Bingham Avenue on November 29, 2007 at 8:00 p.m.

The Clerk stated that the application was in order and fees paid.

On motion by Councilwoman DeVoe, seconded by Councilman Rubin, this application was approved. All in favor.

RAFFLE APPLICATION FOR THE BULLDOG BOOSTERS OF RUMSON:

The Municipal Clerk/Administrator stated that he had received an application for a 50/50 raffle from the Bulldog Boosters of Rumson, 74 Ridge Road. Said raffle to be held at Rumson-Fair Haven Regional High School stadium field on September 14th and 20th, October 5th and November 2nd at 7:00 p.m.

The Clerk stated that the application was in order and fees paid.

On motion by Councilwoman DeVoe, seconded by Councilman Rubin, this application was approved. All in favor.

ANNOUNCEMENT BY THE MAYOR:

Mayor Ekdahl made the following Announcement:

On behalf of the Borough Council, I would like to wish all of our Jewish residents and friends a Happy New Year, as Rosh Hashanah begins September 13th this year.

Thank you.

COMMENTS FROM THE COUNCIL:

The Mayor afforded the members of the Council an opportunity to be heard at this time and no one responded.

COMMENTS FROM THE PUBLIC:

The Mayor afforded the public an opportunity to be heard at this time and no one responded.

FINANCIAL OFFICER'S REPORT:

The Financial Officer's Report disclosed the following cash on hand in the Current Fund Account as of September 6, 2007:

Wachovia Bank		
Balance:	08/16/07	\$ 4,986,033.81
Cash Receipts:		\$ 4,761,851.82
Void Check		\$ 0.00
Pre-Paid Items:		\$ (340,500.00)
Bills & Claims:		\$ (3,938,996.99)
Payroll:	08/30/07	\$ (191,975.09)
Wachovia Bank Balance:		<u>\$ 5,254,413.55</u>
Certificate of Deposits:		\$ 8,000,000.00
Money Market Funds:		\$ 0.00
Total Current Fund:		\$13,254,413.55

On motion by Councilman Kammerer, seconded by Councilman Rubin, the Financial Officer's Report was ordered received and carried on the following roll call vote:

In the affirmative: DeVoe, Hemphill, Kammerer and Rubin.

In the negative: None.

Absent: Broderick and Shanley.

CONSIDERATION OF BILLS AND CLAIMS (RESOLUTION):

Councilman Kammerer offered the following resolution and moved its adoption:

\$	90.00	Monmouth County SPCA
\$	118.41	Red Bank Veterinary Hospital
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\$	208.41	Animal Control Account
\$	888.00	AR Communications
\$	53,109.77	Design Ideas Group

\$	22,129.20	Quality Electrical Const Co
\$	4,350.00	Stephan L Green Trailers
\$	4,471.00	Trico Equipment Inc
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\$	84,947.97	Capital Account
\$	1,216.47	Absolute Fire Protection Co
\$	1,464.09	Action Office Supplies
\$	43.90	Adamson Industries Corp
\$	39.00	Allcom Technologies Inc
\$	4,237.00	Allied Oil Company
\$	842.00	Americanwear Indust Uniforms
\$	90.47	American Messaging
\$	260.00	A Pak-Rat Equipment Inc
\$	888.00	AR Communications
\$	781.64	Asbury Park Press
\$	269.99	Atlantic Outdoors
\$	93.45	AT&T
\$	69.65	Avaya Inc
\$	1,600.00	Becker Tree Service
\$	2,195.35	Bob's Uniform Shop
\$	280.50	William Brush
\$	87.80	Builders General Supply Co
\$	91.00	Butches Auto Car Wash
\$	32.00	Circle Chevrolet
\$	97.64	Clayton Block Company Inc
\$	105.00	Comcast of Monmouth
\$	561.00	Edwin and Margaret Connor
\$	473.20	Custom Tire Associates
\$	3,180.54	Delta Dental Plan of NJ
\$	457.99	Dell Inc
\$	340,500.00	Depository Trust Company
\$	730.60	Edmunds and Associates Inc
\$	492.50	Emerald Technologies LLC
\$	31.52	Fair Haven Hardware
\$	195.00	Fantastic Signs
\$	1,050.92	Foley
\$	374.00	Jame F & Linda L Gallagher
\$	1,379.47	Galls Incorporated
\$	280.50	Ella Gaynor
\$	609.25	Int'l Trucks of Central Jersey
\$	1,015.00	James B Hunt Mfg Co
\$	14,330.56	JCP&L
\$	378.48	Johnny on the Spot
\$	19.19	John Guire Co
\$	745.65	Kaldor
\$	561.00	Gerald & Helen Kelly
\$	34.85	Kepwell Natural Spring Water
\$	400.00	Joan Kingdon

\$	280.50	William & Iris Kirkpatrick
\$	280.50	John H Lacey Jr
\$	70.00	Lanigan Associates Inc
\$	259.00	Lawes Oil
\$	85.84	Mazza and Sons Recycling
\$	53.43	Patricia McNamee
\$	7,812.00	Mickey Benoit Inc
\$	419.00	Middletown Fire & Safety Inc
\$	16,826.63	Treasurer County of Monmouth
\$	360.00	Monmouth County Police Academy
\$	561.00	Royal E & Virginia Moss
\$	1,869.00	Motorola Inc
\$	280.50	Elizabeth Murphy
\$	280.50	Jacquelyn Murphy
\$	561.00	Patricia & Joseph Murphy
\$	655.60	National Parts Supply Company
\$	265.37	Naylor's Inc
\$	4,115.23	New Jersey American Water
\$	94.35	New Pig
\$	64,047.80	State of NJ Pensions/Active
\$	36,054.07	State of NJ Pensions/Retiree
\$	192.41	Norwood Auto Parts
\$	188.00	One Call Systems
\$	740.00	Elsalyn Palmisano
\$	274.50	William J Patton
\$	280.50	Joseph Raniere
\$	2,391.66	Reusille Mausner Carotenuto
\$	1,954,594.92	Rumson Elementary School Dist
\$	1,663,548.44	RFH Regional High School
\$	336.00	Madelyne Ryterband
\$	561.00	James & Evelyn Scalzo
\$	30.50	Seaboard Welding Supply Inc
\$	280.50	Thomas Shea
\$	561.00	James & Joan Shea
\$	561.00	Joseph Sorrentino
\$	225.00	State Shorthand Reporting Serv
\$	1,289.15	Stavola Asphalt Co Inc
\$	106.86	Janice Swaggerty
\$	2,995.00	System Services Inc
\$	561.00	James & Pauline Tanner
\$	420.00	Targeted Technologies LLC
\$	1,390.00	Taylor Fence Co Inc
\$	45.98	The Two River Times
\$	1,500.00	United States Postage Service
\$	123,847.54	US Bank Cust/Sass Muni V Dtr
\$	766.58	Verizon
\$	254.24	Verizon Wireless
\$	280.50	Emily Wagner
\$	69.13	George Wall Lincoln Mercury

\$	561.00	Lorraine & Robert Watson
\$	280.50	Ruth M Widmaier
\$	2,265.79	ZEP Manufacturing Company
\$	280.50	Robert Zerr
\$	4,279,496.99	Current Fund
\$	715.00	Roy Press Printers
\$	222.50	Sandy Hook Yacht Sales
\$	400.00	Siciliano Landscape
\$	1,337.50	Endowment Inc Account
\$	13,018.61	Athlete's Alley
\$	3,914.79	Board of Education
\$	5,579.20	Sarah McManus
\$	179.50	Novel Promotional Sales
\$	1,216.00	New York Red Bull
\$	530.00	Power House Sign Works
\$	1,520.00	Rumson Fair Haven Rowing Inc
\$	373.00	Sporting Essentials
\$	26,331.10	Recreation Account
\$	1,000.00	GRH Group LLC
\$	1,000.00	Trust Account
\$	4,279,496.99	Current Fund Appropriations
\$	208.41	Animal Control Fund Expenses
\$	84,947.97	Capital Fund Disbursements
\$	1,337.50	Endowment Disbursements
\$	26,331.10	Recreation Disbursements
\$	1,000.00	Trust Fund – Other Expenses
\$	4,393,321.97	Total Of All Funds

Resolution seconded by Councilman Rubin and carried on the following roll call vote:

In the affirmative: DeVoe, Hemphill, Kammerer and Rubin.

In the negative: None.

Absent: Broderick and Shanley.

ADJOURNMENT:

On motion by Councilwoman DeVoe, seconded by Councilman Rubin, the meeting adjourned at 8:29 p.m. All in favor.

Respectfully submitted,

Thomas S. Rogers, R.M.C.
Municipal Clerk/Administrator